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Attorneys for Defendants

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUSSELL E. BURNS, et al.,

Plaintiffs.

V₃

HALOPOFF & SONS, INC., a California Corporation; JOHN HALOPOFF, an individual

Defendants.

Case No.: C13-3968 YGR

JUDGMENT PURSUANT TO STIPULATION

IT IS HEREBY STIPULATED by and between the undersigned parties hereto, that Judgment may be entered in the within action in favor of the Plaintiffs RUSSELL E. BURNS, et al. (collectively “Plaintiffs”) and against Defendant HALOPOFF & SONS, INC., a California Corporation (“Defendant”), as follows:

1. Plaintiffs filed a Complaint against Defendant on August 27, 2013 to compel Defendant to comply with the terms of its Collective Bargaining Agreement.

1 2. Service on Defendant was effectuated on September 4, 2013.

2 3. Defendant filed an Answer and Demand for Jury Trial on September 17, 2013.

3 4. The parties desire to resolve this matter by entry of a Judgment by Stipulation

4 against Defendant, without the necessity of further litigation against Defendant.

5 5. The parties hereby stipulate that Judgment may be entered in favor of Plaintiffs and
6 against Defendant in the total amount of **\$366,181.14** as follows:

DELINQUENT CONTRIBUTIONS	
2/13 Contribution Balance (\$16,232.28 due)	\$14,099.23
20% Liquidated Damages on 2/13 Contributions	\$3,246.46
10% Interest on 2/13 Contributions (through 2/25/15)	\$2,711.69
	\$20,057.38
3/13 Contribution Balance (\$19,396.62 due)	\$16,686.37
20% Liquidated Damages on 3/13 Contributions	\$3,879.32
10% Interest on 3/13 Contributions (through 2/25/15)	\$3,067.55
	\$23,633.24
4/13 Contribution Balance (\$20,455.82 due)	\$19,040.60
20% Liquidated Damages on 4/13 Contributions	\$4,091.16
10% Interest on 4/13 Contributions (through 2/25/15)	\$3,343.84
	\$26,475.60
5/13 Contributions	\$5,838.86
20% Liquidated Damages on 5/13 Contributions	\$1,167.77
10% Interest on 5/13 Contributions (through 2/25/15)	\$975.81
	\$7,982.44
6/13 Contribution Balance (\$10,880.55 due)	\$9,530.97
20% Liquidated Damages on 6/13 Contributions	\$2,176.11
10% Interest on 6/13 Contributions (through 2/25/15)	\$1,514.51
	\$13,221.59
7/13 Contributions	\$7,866.11
20% Liquidated Damages on 7/13 Contributions	\$1,573.22
10% Interest on 7/13 Contributions (through 2/25/15)	\$1,183.15
	\$10,622.48
8/13 Contributions	\$4,622.75
20% Liquidated Damages on 8/13 Contributions	\$924.55
10% Interest on 8/13 Contributions (through 2/25/15)	\$656.05
	\$6,203.35
9/13 Contributions	\$5,132.87
20% Liquidated Damages on 9/13 Contributions	\$1,026.57
10% Interest on 9/13 Contributions (through 2/25/15)	\$686.26
	\$6,845.70

Chart continued on the next page...

1	10/13 Contributions	\$10,170.42	
2	20% Liquidated Damages on 10/13 Contributions	\$2,034.08	
3	10% Interest on 10/13 Contributions (through 2/25/15)	\$1,273.39	
4			\$13,477.89
5	11/13 Contributions	\$13,751.15	
6	20% Liquidated Damages on 11/13 Contributions	\$2,750.23	
7	10% Interest on 11/13 Contributions (through 2/25/15)	\$1,608.70	
8			\$18,110.08
9	12/13 Contributions	\$6,099.52	
10	20% Liquidated Damages on 12/13 Contributions	\$1,219.90	
11	10% Interest on 12/13 Contributions (through 2/25/15)	\$661.76	
12			\$7,981.18
13	1/14 Contributions	\$3,961.98	
14	20% Liquidated Damages on 1/14 Contributions	\$792.40	
15	10% Interest on 1/14 Contributions (through 2/25/15)	\$396.20	
16			\$5,150.58
17	AUDIT (8/1/12 – 11/30/13):		
18	Contribution Underpayments	\$126,625.91	
19	20% Liquidated Damages	\$25,325.18	
20	10% Interest (through 2/25/15)	\$24,558.05	
21	Audit Fees	\$3,075.42	
22			\$179,584.56
23	Attorneys' Fees (through 2/24/15)	\$23,059.00	
24	Costs (through 2/24/15)	\$3,776.07	
25			\$26,835.07
26	TOTAL DUE:		\$366,181.14

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1 6. This Judgment does not include withdrawal liability, if any.
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4 Dated: March 2, 2015

**OPERATING ENGINEERS LOCAL
NO. 3 TRUST FUNDS**

5 By: _____/S/

David E. Hayner
Collections Manager for Plaintiffs

6 Dated: March 9, 2015

**SALTZMAN & JOHNSON
LAW CORPORATION**

7 By: _____/S/

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9
10 Michele R. Stafford
11
12 Attorneys for Plaintiffs

13 Dated: March 8, 2015

HALOPOFF & SONS, INC.

14 By: _____/S/

15 John Halopoff, President

16 Dated: March 9, 2015

**MOTSCHIEDLER, MICHAELIDES, WISHON,
BREWER & RYAN, LLP**

17 By: _____/S/

18 Justin D. Harris
19 Attorneys for Defendant

20 **ORDER / JUDGMENT**

21 Judgment shall be entered in Plaintiffs' favor and against Defendant Halopoff & Sons in
22 the amount of \$366,181.14 as set forth above.

23 Dated: March 10, 2015


24 _____
25 DISTRICT COURT JUDGE
26 YVONNE GONZALEZ ROGERS

1 **ATTESTATION CERTIFICATE**

2 In accord with the Northern District of California's General Order No. 45, Section X(B), I
3 attest that concurrence in the filing of this document has been obtained from each of the other
4 signatories who are listed on the signature page.

5 Dated: March 9, 2015

6 **SALTZMAN & JOHNSON**
7 **LAW CORPORATION**

8 By:

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/S/
10 Michele R. Stafford
11 Attorneys for Plaintiffs
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JUDGMENT PURSUANT TO STIPULATION
Case No.: C13-3968 YGR